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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LAURA LEIGH, individually, and WILD
HORSE EDUCATION, a non-profit
corporation,

Plaintiffs,

v.

INTERIOR BOARD OF LAND APPEALS,
UNITED STATES DEPARTMENT OF
INTERIOR, BUREAU OF LAND
MANAGEMENT, and KG MINING INC.,

Defendants.

Case No. 3:25-cv-00039-ART-CSD

**DECLARATION OF LAURA LEIGH IN
SUPPORT OF PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT**

1 I, Laura Leigh, declare and state as follows:

2 1. I am a U.S. citizen residing in the State of Nevada.

3 2. I am the President and founder of the Wild Horse Education (WHE), which has its
4 principal place of business at 216 Lemmon Drive, #316, Reno, NV 89506. In addition, I am an
5 active member and supporter of WHE.

6 3. I am submitting this declaration to provide facts relevant to Plaintiffs' Article III
7 standing for the above-captioned case and provide clarification regarding WHE's and my
8 experience with the Triple B Complex and its herd management areas (HMAs).

9 4. The IBLA issues final decisions for the Department of the Interior on appeals
10 from decisions of the BLM. The rules governing the IBLA are designed to protect the interests of
11 those who are adversely affected by such decisions.

12 5. The IBLA issues final decisions which then can be appealed to the District Court.

13 6. Many individuals and organizations, including WHE and myself, appear
14 unrepresented before the IBLA. To facilitate regular citizens' right to the protection offered by
15 the IBLA, the IBLA website used to say that filings could be handwritten. As I understand, this
16 was removed from the website a few years ago perhaps because the IBLA was switching to an
17 electronic filing system, and in 2025, a new rule was adopted to address document formatting
18 requirements.

19 7. On August 12, 2024, WHE, I, and Tammi Adams (a volunteer and member with
20 WHE) filed a Notice of Appeal and Petition for Stay with the IBLA to challenge the BLM
21 decision that approved the Jupiter Project (DOI-BLM-NV-L060-2021-0013-EIS). *See* AR_001-
22 AR_020.

23 8. The IBLA website ([https://www.doi.gov/oha/organization/ibia/faqs/How-Do-I-](https://www.doi.gov/oha/organization/ibia/faqs/How-Do-I-Appeal-a-Decision-to-the-Board)
24 [Appeal-a-Decision-to-the-Board](https://www.doi.gov/oha/organization/ibia/faqs/How-Do-I-Appeal-a-Decision-to-the-Board)) provides that a notice of appeal need only "briefly set out the
25 reasons" for challenging a BLM decision. It "does not need to be a full statement of your
26 concerns."
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1 9. WHE, I, and Tammi Adams filed oppositions to BLM's and KG Mining's
2 Motions to Dismiss. *See* AR_154-AR_165, AR_194-AR_209.

3 10. On September 9, 2024, WHE, I, and Tammi Adams filed our Statement of
4 Reasons with the IBLA. *See* AR_210-AR_249. Although the deadline for filing this statement
5 was not yet due (*see* AR_251), we filed the statement early to assist the IBLA in ruling on
6 BLM's and KG Mining's motions to dismiss.

7 11. The IBLA stated that it did not need the administrative record to rule on the
8 motions to dismiss. *See* AR_251. So, when the IBLA dismissed our appeal because it did not
9 think we had standing, there was no administrative record.

10 12. As the record for the above-captioned case recognizes, the Jupiter Project will
11 expand KG Mining's plan of operations for the North Operations Area (NOA) of the Bald
12 Mountain Mine. *See* AR_037, AR_253. The Project includes a boundary extension for the NOA
13 that totals 3,425 acres. *See* AR_037. Life-of-mine surface disturbance in the NOA would
14 increase from 10,782 acres to 14,752 acres, resulting in a net surface disturbance increase of
15 about 3,969 acres. *See id.* Mine life would extend an additional 11 years. *See id.*

16 13. The Triple B Complex consists of the Triple B Herd Management Area (HMA),
17 the Maverick-Medicine HMA, and the Cherry Springs Wild Horse Territory (WHT). A portion
18 of the Antelope Valley HMA is managed as part of the Triple B Complex because highway 93
19 cuts it off entirely from the rest of the Antelope Valley HMA.

20 14. When evaluating the Jupiter Project, BLM's cumulative impact analysis claimed
21 to look at the Project's impact when combined with other past, present, and reasonably
22 foreseeable future actions and trends. BLM identified the maximum cumulative effect study
23 areas (CESA) as containing 19,377,103 acres. The Draft EIS depicted this as:

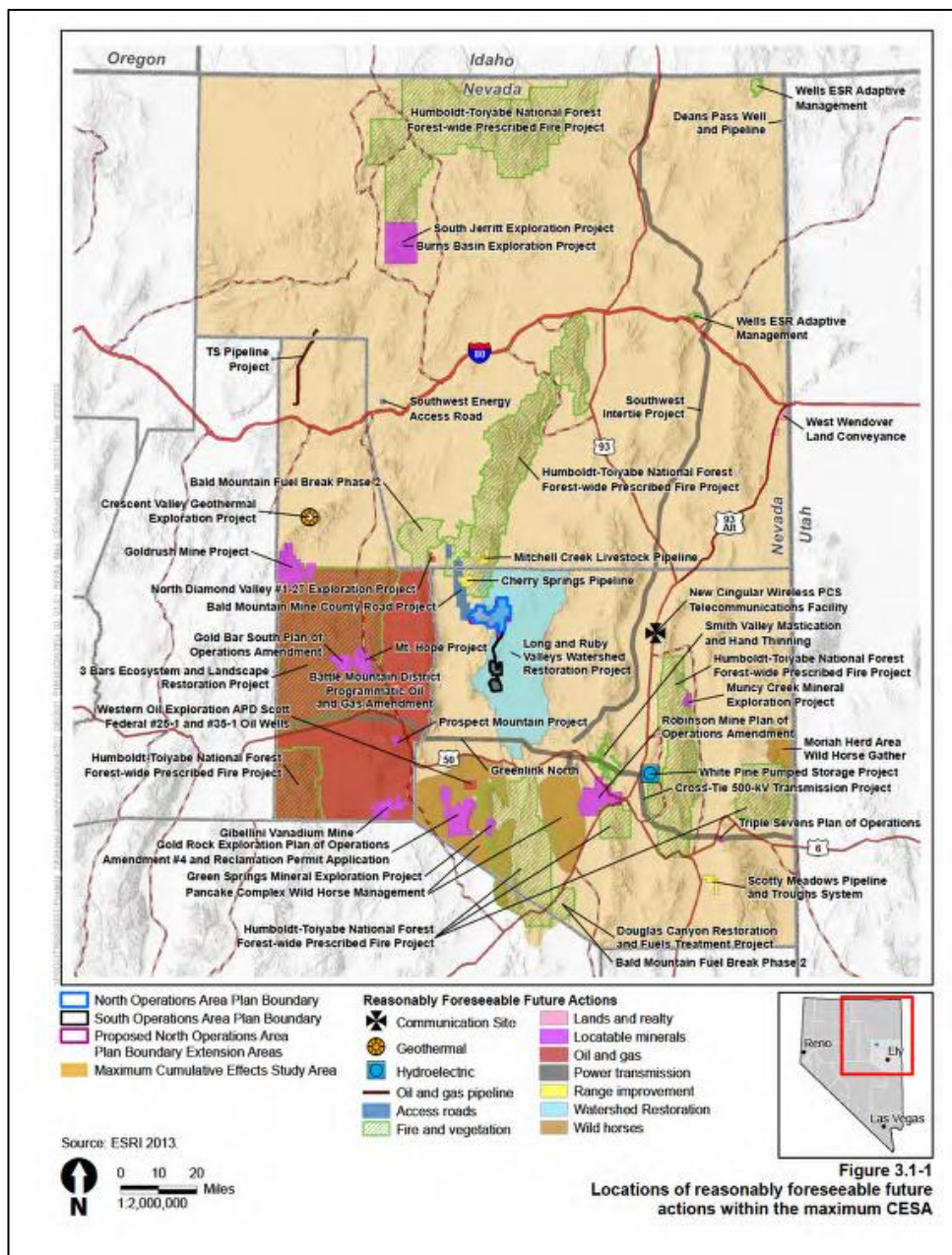
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15. This maximum CESA includes the entirety of the Triple B Complex, including all of the Triple B HMA, the Maverick-Medicine HMA, Antelope Valley West of U.S. Highway 93 HMA, and the Cherry Springs Wild Horse Territory. It also includes the Antelope Complex, Pancake Complex, and Moriah Herd Area.

16. When looking at cumulative impacts on wild horses, the CESA was limited to a review of impacts in the Triple B HMA – despite BLM saying in the Draft EIS that “Wild horses

1 move freely throughout the complex and the adjacent Cherry Springs Wild Horse Territory.” But
2 even so, BLM said the estimated cumulative surface disturbance in this HMA from past, present,
3 and reasonably foreseeable future actions was more than 140,000 acres.

4 17. WHE is a national nonprofit corporation dedicated to research, journalism, and
5 public education concerning the activities and operations of federal and state management of the
6 free roaming horse and wild burro populations.

7 18. The mission of WHE is to protect and preserve wild horses and burros on range,
8 during and after capture. WHE works to do so in multiple ways. First, WHE provides
9 information and education to the public about the current situation with American wild horses
10 and burros and the issues surrounding public land management and wild horses. In this, WHE
11 aims to remove the curtain that veils governmental activities against wild horses from the public
12 eye in order to advance wild horse advocacy and support. Second, WHE also aims to facilitate
13 public awareness and participation in wild horse issues, such as in comments on proposed
14 agency actions. Third, WHE also advocates for the creation of a sane, scientifically-based
15 management strategy for these animals in the wild. Fourth, WHE promotes public adoptions of
16 formerly wild horses and supports those who adopt them for rescue and sanctuary. WHE has,
17 since its founding, advocated for enforceable welfare rules for management from range, through
18 capture and into holding.

19 19. WHE educates and informs about wild horses and burros through articles,
20 photographs, videos, and sharing data and other information. WHE’s members and supporters
21 (the majority of whom reside throughout the United States) regularly attend and observe wild
22 horse and burro roundups, removals, and holding pens.

23 20. WHE frequently submits comments during the NEPA process on BLM proposed
24 plans, including but not limited to Environmental Assessments (EAs). WHE has participated at
25 hearings made available for public comment on BLM proposed plans, too. WHE has an interest
26 in ensuring that wild free-roaming horses are treated as an integral part of public lands,
27 management activities are conducted at the minimal level feasible, and management activities
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1 include development and consideration of land use plans and herd management area plans.

2 21. WHE's mission encompasses an interest in ensuring that the wild free-roaming
3 horses in the Triple B Complex (including within each of the Complex's HMAs and WHT) are
4 protected and preserved in keeping with the mandates contained in NEPA, the Wild and Free-
5 Roaming Horses and Burros Act (Wild Horse Act), associated regulations, and agency guidance.

6 22. WHE and its members enjoy visiting wild horses in multiple HMAs, including
7 those in the Triple B Complex, and appreciate the natural beauty and behaviors of the herds in a
8 natural environment.

9 23. When BLM engages in documenting and assessing gather operations in the Triple
10 B Complex, the agency frequently announces the gather for the Complex as a whole rather than
11 specific to any HMA within the Complex. BLM treats the appropriate management level (AML)
12 for each HMA collectively in planning for gathers and accounting of a total when this is done.

13 24. Gather operations usually are based on EAs that are adopted prior to removing
14 horses. Over the past decade, most of the EAs authorize gather operations for a ten-year period
15 of time.

16 25. In 2017, BLM adopted the Antelope and Triple B Complexes Gather Plan (DOI-
17 BLM-NV-E030-2017-0010-EA), which authorizes the gathering and removal of excess wild
18 horses from the Antelope and Triple B Complexes (along with fertility control management)
19 over a period of ten years from the initial gather.

20 26. Since 2011, I have been visiting the Triple B Complex to document and enjoy
21 wild horses. *See* AR_022. I have known and photographed many of these Triple B horses since
22 birth. *See* AR_165.

23 27. For the past decade, I have visited the Triple B horses once per month. *See*
24 AR_165. During these visits, I have documented the movement of horses between the
25 Complex's individual HMAs. *See id.* Based on this, I am aware "[t]he movement between the
26 HMAs is significant." *Id.* I plan to continue visiting these horses into the coming future. *See*
27 AR_022-AR_023.

1 28. I thought by stating I have documented the movement between the HMAs, it is
 2 obvious that my visits include visits in the Triple B HMA (as well as the Complex's other HMAs
 3 and WHT). However, had the Board asked for clarification, I could have provided further details.
 4 These include:

- 5 a. Over the past decade, I have visited the Triple B HMA on average eight times per
 6 year. During these visits I document and enjoy the Triple B horses.
- 7 b. In addition, since 2011, WHE has sent volunteers to observe every gather
 8 operation that has been conducted in the Triple B Complex. (This does not
 9 include gathers that use bait traps because BLM does not allow the public to
 10 observe gathers that use bait traps.) I have been present at the majority of these
 11 gathers for a large portion of observation days.
- 12 c. Most recently, I observed a roundup in the Triple B HMA in 2022. I was not
 13 personally at the roundup that occurred in 2024, but another WHE volunteer
 14 attended.
- 15 d. On approximately September 1, 2024, I went into the Triple B HMA and took
 16 photographs of some of the horses, including "Little Dove," a horse that I have
 17 known since her birth. During this visit, I saw many horses roaming through the
 18 acres that are included in the expansion area of the Jupiter Project.
- 19 e. In late April or early June of 2025, I again visited the Triple B HMA and drove
 20 through the expansion area of the Jupiter Project. As a result of the Project, there
 21 was a lot of traffic and disturbed, muddy earth. I did not see Little Dove or many
 22 of the horses that had been there in 2024. Instead, I only saw 2 dun stallions.

23 29. When BLM was doing a NEPA review of the Jupiter Project, WHE, I, and Tammi
 24 Adams submitted comments. These comments were attached to our Statement of Reasons. See
 25 AR_231-AR_249.

26 30. Regarding the impact of the Jupiter Project, our comments noted:

- 27 • The Project's direct environmental destruction and negative cumulative impacts

1 outweighed any benefit from the continued operations and expansion of the Bald Mountain Gold
2 Mine.

3 • Not only will thousands of acres be removed from the Triple B HMA by the
4 Project (in addition to the more than 140,000 already removed from the HMA cumulatively), but
5 the Project also will remove the Triple B horses' access to forage and water and increase vehicle
6 collisions that are already an issue with the existing mine. BLM's environmental review refused
7 to acknowledge and address mitigation for the significant acreage and resources that will be lost
8 to wild horses and burros.

9 • These impacts will affect the entire ecosystem directly, permanently and extend
10 beyond the project boundaries.

11 • BLM did not provide methods, data, nor analysis of the cumulative impacts to the
12 Triple B wild horses.

13 • Because BLM has no Herd Management Area Plan (HMAP) for the Triple B
14 horses, BLM's analysis also was not based on any management objectives specific to these
15 horses.

16 • At minimum, in light of the lack of HMAPs, the draft EIS should have included
17 all census data, seasonal use data, foaling season information, genetic data, and all data
18 pertaining to wild horse use in, around, and through the project area and throughout the
19 neighboring HMAs so that impact and appropriate mitigation measures could be analyzed and
20 thoroughly addressed.

21 31. While our comments focused on impacts to wild horses, we also addressed how
22 BLM's violation of NEPA impacted other animal species and humans.

23 32. In the record before the IBLA, I tried to explain that the Jupiter Project's direct
24 impacts will result in the Triple B horses losing approximately 4,000 acres of habitat, which is
25 some of the best forage in the entire Triple B HMA. *See* AR_156, AR_215. In and of itself, this
26 loss of habitat and resources is significant. *See id.* Yet, the impact is even more disastrous when
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1 past actions are included, which have already resulted in the Triple B horses losing 140,000+
2 acres of habitat. *See* AR_004, AR_216.

3 33. This loss not only means the horses lose acreage (and access to the land's forage
4 and water), but it also impacts BLM's analysis of when excess wild horses must be gathered and
5 permanently removed from the Triple B Complex. *See* AR_011, AR_159, AR_227-AR_228.

6 34. The Wild Horse Act requires BLM to manage and protect the Triple B horses. *See*
7 AR_222. BLM may conduct gather operations to remove "excess" horses. *See* AR_011. The
8 determination of whether excess horses exist is based on the appropriate management levels
9 (AML) set by BLM and deterioration of rangeland health. *See* AR_214, AR_226, AR_227.

10 35. In BLM's Wild Horses and Burros Management Handbook, BLM defines AML
11 as "[t]he number of adult horses or burros (expressed as a range with an upper and lower limit) to
12 be managed within an HMA. Forage for [wild horses and burros] (AUMs) is allocated based on
13 the AML upper limit." For the Triple B HMA, BLM set the AML as 250-518 wild horses. *See*
14 AR_214. For the Triple B Complex as a whole, BLM set the AML as 482-821 wild horses. *See*
15 *id.*

16 36. The loss of habitat and resources from the Jupiter Project extension area means
17 the horses will be pushed into other areas of the Triple B Complex, including areas where water
18 sources are nonexistent or have been in disrepair for decades. *See* AR_004, AR_011, AR_159,
19 AR_195, AR_200-AR_201, AR_215, AR_217, AR_219-AR_220, AR_225-AR_227. This will
20 lead to BLM more quickly determining that rangeland health is deteriorating (the same number
21 of horses cannot thrive in the Complex when acres and resources are taken away), leading to the
22 agency conducting gather operations to permanently remove horses that otherwise might have
23 been able to live there. As I noted in our Notice of Appeal and Statement of Reasons:

24 Resulting irreparable and imminent harms to the Triple B Complex wild horses
25 and Appellants shall occur from the Bald Mountain Mine Juniper Project mine
26 expansion, ... coupled with the proposed unsustainable and permanent
27 groundwater use/removal, resulting in wild horses' lack of habitat, forage, and
28 water resources, and Nevada BLM then claiming an "excess" of Triple B wild
horses impacting thriving natural ecological balance and the significant/
impending permanent removal and placement of Triple B wild horses into private

1 off-limits holding facilities. Appellants have witnessed this failure in the
2 Agency's carrying out of NEPA planning and procedures time and time again.

3 AR_011.

4 BLM utilizes "loss of habitat" and "insufficient resources" as justification for
5 removals and the "zeroing out" of wild horse herds. ... Historical removal actions
6 by Nevada BLM are clearly documented repeatedly. Other "multiple uses"
deplete resources and remove critical habitat from HMAs, and then BLM declares
an "excess" of wild horse and "declining range resources" = removal.

7 AR_227.

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9 37. BLM already has approved a ten-year gather plan for the Triple B Complex. *See*
10 AR_227. Thus, "the threat of instantaneous and unsupported removal" is not hypothetical, and
11 BLM can use the loss of habit caused by the Jupiter Project to justify the immediate removal of
12 wild horses from the Complex. *See* AR_227-AR_228.

13 38. By not doing a proper cumulative impact analysis that took a hard look at other
14 mines, oil fields, and geothermal energy production sites, impacts to the Triple B horses were
15 ignored. AR_004-AR_006, AR_017, AR_214-AR_222. For example, BLM should have
16 accessed cumulative impacts to foaling seasons and horse migration routes, as well as health
17 implications to horses caused by noise, the use of various chemicals, increased human presence,
18 and increased motor vehicle use. AR_005-AR_006, AR_017.

19 39. The IBLA relied upon a 2018 order issued in Elyse R. Gardner Walsh, Laura
20 Leigh & Wild Horse Education to dismiss our appeal. I objected to this order being relied upon
21 because of the unusual circumstances involved in that appeal. *See* AR_197. Specifically, in that
22 appeal, I and Wild Horse Education submitted a Notice of Appeal and Petition for Stay, which
23 was accompanied by an initial declaration. After BLM opposed the petition, the IBLA issued an
24 order to show cause because we did not file a timely response to this opposition. We did not
25 meet the deadline to file any response or supplemental declarations because the Wild Horse
26 Education's vice-president and my close friend died unexpectedly and suddenly from a heart
27 attack. *See* AR_197. I simply was too distraught to adequately address the appeal and issues of
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1 standing.

2 40. The IBLA order that dismissed our appeal has not made our appeal moot. BLM
3 violated NEPA, and as a result the direct and cumulative impacts to the Triple B wild horses (and
4 other animal species and humans) were never analyzed as required, and these impacts are not
5 being mitigated by BLM.

6 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the
7 United States of America that the foregoing is true and correct.

8 Dated this 27th day of August, 2025,

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10 By: /s/ Laura Leigh
11 Laura Leigh
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